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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,280	12/15/2000	Tsuyoshi Moriyama	CANO:016	7943

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,280

Applicant(s)

MORIYAMA ET AL.

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 24-46,66-74 and 77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23,47-65,75,76 and 78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II, directed towards Claims 1-23, 47-65, 75, 76 and 78 in Paper No. 9 is acknowledged. Examination of these claims follows.

***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23, 47-65, 75, 76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. Inoue et al discloses the following.

As described in Claims 1, 47-49, 54, 55, 57, 58, 75, 76 and 78;

1. a plurality of inserter trays (see figure 30, element (2002)) for having insert sheets stacked thereon;
2. said insert sheets being inserted between the recording sheets transported from an image forming apparatus having an image forming

section (note figure 5a, which no. 4 indicates marking);

3. a sheet feeding controller (1041) that controls the feeding of the insert sheets stacked on the plurality of inserter trays (see figure 30, 2002, noting trays 1-4); and

4. a sheet feeding mode setting device (2000 and 2002) that sets one of a plurality of sheet feeding modes defining respectively;

a. a plurality of stacking manners (see sorting and finishing modes such as stack or collate, for example in element 2000) for stacking plural types of the insert sheets on said plurality of inserter trays;

b. a plurality of sheet feeding manners (see 2006 of figure 30) corresponding respectively to said stacking manners and employed by said sheet feeding controller;

As described in Claims 2 and 48;

5. said sheet feeding controller controls feeding of the insert sheets stacked on said plurality of inserter trays in accordance with the sheet feeding mode set by said sheet feeding mode setting device (see above);

As described in Claims 3, 54 and 55;

6. said plurality of sheet feeding modes include at least a first sheet feeding mode in which a same type of insert sheets are stacked on each of said plurality of insert trays, and

7. a second sheet feeding mode in which plural types of said insert sheets are stacked together on at least one of said plurality of inserter trays (see 2006);

As described in Claims 4, 54 and 55;

8. wherein in said first sheet feeding mode, said sheet feeding controller sequentially feeds the insert sheets sheet by sheet from one of said plurality of inserter trays, and then changes an inserter tray from which the insert sheets are to be fed, from said one to a next one of said plurality of inserter trays (note that this is what a collating function performs);

As described in Claims 5, 54 and 55;

9. wherein in said second sheet feeding mode, said sheet feeding controller sequentially feeds the plural types of said inserter sheets stacked together on said at least one of the inserter trays sheet by sheet starting from a top page sheet of the insert sheets;

As described in Claims 6, 51, 52, 53, 58 and 60-65;

10. an insert sheet number determining device that determines a total number of the insert sheets to be inserted between the recording sheets;

11. a sheet stacking detector that detects presence or absence of the insert sheets stacked on each of said plurality of inserter trays;

12. a comparator operable in said first sheet feeding mode to compare the total number of the insert sheets determined by said insert sheet

number determining device with a total number of inserter trays on which presence of the insert sheets stacked thereon is detected by said sheet stacking detector;

13. and a warning device that gives a predetermined warning if a result of the comparison by said comparator shows that the total number of the insert sheets does not coincide with the total number of the inserter trays;

As described in Claim 7;

14. said insert sheet number determining device determines the total number of the insert sheets through manual input by a user;

As described in Claims 8 and 49;

15. said image forming apparatus comprises an original reading device that reads images on a set of originals for forming images on the recording sheets; and

16. a color original counter that recognizes color originals from said set of originals based on the images read by said original reading device and counts a number of the recognized color originals; and

17. wherein said insert sheet number determining device determines the number of color originals counted by said color original counter as the total number of insert sheets to be inserted between the recording sheets;

As described in Claim 9;

18. an image formation inhibiting device that inhibits image formation by said image forming section while said counting of color originals is being carried out by said color original counter;

As described in Claims 10 and 50;

19. a predetermined information reading device that reads predetermined information indicative of said sheet feeding mode recorded on a predetermined one of the insert sheets in advance; and

20. said sheet feeding mode setting device sets said sheet feeding mode based on said predetermined information read by said predetermined information reading device;

As described in Claim 11;

21. said predetermined information is recorded at a location outside an image formed region of said predetermined one of the insert sheets;

As described in Claim 12;

22. said predetermined information is recorded on a leading edge portion of said predetermined one of the insert sheets;

As described in Claim 13;

23. said predetermined one of the insert sheets is a top one of the insert sheets stacked on each of said plurality of inserter trays;

As described in Claim 14;

24. said predetermined information reading device is brought into a position close to the insert sheets to read said predetermined information;

As described in Claim 15;

25. said sheet feeding controller comprises a driver for carrying out a sheet feeding operation for feeding the insert sheets stacked on said plurality of inserter trays;

26. said driver being disposed to drive said predetermined information reading device;

As described in Claim 16;

27. said reading by said predetermined information reading device is carried out in synchronism with the feeding of the insert sheets by said sheet feeding controller;

As described in Claim 17;

28. said predetermined information reading device comprises at least one light reflection type sensor;

29. and said predetermined information comprises a mark with a color being different in brightness from color of said predetermined one of the insert sheets;

As described in Claim 18;

30. an error display device that displays failure to read said predetermined information by said predetermined information reading device;

As described in Claims 19, 48, 51, 55 and 59;



31. a restacking detector that detects restacking of the insert sheets on said plurality of inserter trays; and

32. said sheet feeding mode setting device is responsive to failure to read said predetermined information by said predetermined information reading device, for suspending setting of the sheet feeding mode until the restacking of the insert sheets is detected;

As described in Claim 20;

33. said sheet feeding mode setting device is responsive to failure to read said predetermined information by said predetermined information reading device, for setting the sheet feeding mode through manual setting by a user;

As described in Claim 21;

34. a recording sheet sheet feeding inhibiting device responsive to failure to set the sheet feeding mode based on said predetermined information read by said predetermined information reading device, for inhibiting feeding of the recording sheets;

As described in Claim 22;

35. said sheet feeding mode setting device sets the sheet feeding mode through manual setting by a user;

As described in Claim 23;

36. the insert sheets stacked on the plurality of inserter trays are fed so as to bypass said image forming section;

As described in Claim 56;

37. a restart terminal input terminal for instructing restart of a job;

5. Claims 1-23, 47-65, 75, 76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyffenegger et al. Nyffenegger et al discloses the following.

As described in Claims 1, 47-49, 54, 55, 57, 58, 75, 76 and 78;

1. a plurality of inserter trays (hoppers ((a-d) or (n to n-1)) for having insert sheets stacked thereon;
2. said insert sheets being inserted between the recording sheets transported from an image forming apparatus having an image forming section (note abstract, which indicates markings are used on control documents to indicate such information);
3. a sheet feeding controller that controls the feeding of the insert sheets stacked on the plurality of inserter trays (see col. 1, lines 24-26); and
4. a sheet feeding mode setting device that sets one of a plurality of sheet feeding modes defining respectively;
  - a. a plurality of stacking manners (note that sorting and finishing modes such as stack or collate, for example, would appear to be obvious to include in such a system) for stacking plural types of the insert sheets on said plurality of inserter trays;

b. a plurality of sheet feeding manners (note abstract which indicates a number of variables can be changed by the system) corresponding respectively to said stacking manners and employed by said sheet feeding controller;

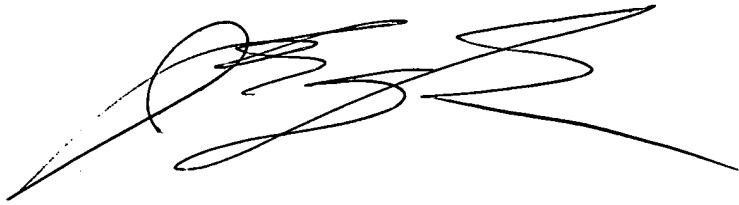
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703)306-4195 for regular communications and (703)306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

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Art Unit: 3653

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Patent Examiner,  
Art Unit 3653



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March 10, 2003